Jurisdictional Statement

NOT FOR SANDRA DAY O'CONNOR, PLEASE!
ASSOCIATE SUPREME COURT JUSTICE

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1981

No.

81 5967

RECEIVED
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SUPREME COURT, U.S.

MONTY E. ROBINSON, Appellant,
By His Mother and
Next Friend
BEATRICE L. ROBINSON

v.

R. ARMAND, et al., Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JURISDICTIONAL STATEMENT

BEATRICE L. ROBINSON
Attorney for Appellant
P. O. Box 87414
Chicago, Illinois 60680

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QUESTION PRESENTED FOR REVIEW

The following questions are presented by this appeal:

1. Whether the District Court misinterpreted the provisions of Rule 17(c) of Federal Rules of Civil Procedure?

2. Whether the District Court misinterpreted the provisions of 3 Moore's Federal Practice (2d ed., 1948) Paragraph 17.26?

3. Whether the District Court misinterpreted the provisions of Title 28, Section 1361, United States Code Annotated?

4. Whether the U.S. Court of Appeals For The Seventh Circuit misinterpretated, overlooked or misapprehended the provisions of Title 28, Section 1651, U.S.C.S.?

5. Whether the Plaintiff MONTY E. ROBINSON'S Mother and Next Friend BEATRICE L. ROBINSON has a lawful standing to bring this action on his behalf under Rule 17(c) of Federal Rules of Civil Procedure? 3 Moore's Federal Practice (2d Ed., 1948) Paragraph 17.26? Title 42, Section 1981, United States Code?

6. Whether it is lawful for the U.S. Court of Appeals For The Seventh Circuit to have predicated its wilful, malicious, conspiratorial, unlawful order denying the Plaintiff-Appellant's Petition For Rehearing upon the Plaintiff-Appellant's Mother and Next Friend BEATRICE L. ROBINSON'S saying on September 30, 1981, "I am going to the Greek Rodeo today at the ampitheater." in the private home of Rev. H. Cohill's located at 718 E. 93rd Street, Chicago, Illinois, which was unlawfully intercepted and heard by Defendant-Appellee CHICAGO POLICE DEPARTMENT via electronic eavesdropping device(s) from 720 E. 93rd Street, Chicago, Illinois?

7. Whether the U. S. Court of Appeals For The Seventh Circuit Justices William J. Bauer; Harlington Wood, Jr.; and Richard D. Cudahy are parties to the organized crime, criminal conspiracy against the guaranteed, constitutional Civil Rights; Civil Liberties, privileges, etc., of the Plaintiff-Appellant MONTY E. ROBINSON'S with Defendant-Appellee CHICAGO POLICE DEPARTMENT,et al.?

8. Whether the provisions of Title 28, Section 1361, United States Code Annotated are valid against District Judge Nicholas Bua and should be imposed upon him to compel the performance of his lawful statutory duty to the Plaintiff MONTY E. ROBINSON in this cause of action No. 80 C 6153, by and through his Mother and Next Friend BEATRICE L. ROBINSON?

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1981

No.

MONTY E. ROBINSON, Appellant,
By His Mother and
Next Friend
BEATRICE L. ROBINSON

v.

R. ARMAND, et al., Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JURISDICTIONAL STATEMENT

The Appellant submits herewith his Jurisdictional Statement as required by Rule 15 of the Rules of the Supreme Court of the United States.

OPINION BELOW

The order sought to be reviewed was wilfully, maliciously, conspiratorially, unconstitutionally, wrongfully, and unlawfully entered in the United States District Court For The Northern District Of Illinois, Eastern Division, on December 29, 1980, and affirmed by the U. S. Court of Appeals For The Seventh Circuit, 219 South Dearborn Street, Chicago, Illinois, on October 2, 1981, (and not on September 28, 1981 as dated).

GROUNDS OF JURISDICTION

The United States of America under and by virtue of Rule 17(c), Federal Rules of Civil Procedure lawfully allows BEATRICE L. ROBINSON, the Appellant MONTY E. ROBINSON'S Mother and Next Friend to bring this cause of action in the United States District Court For The Northern District of Illinois, Eastern Division, which provisions thereof are wilfully, maliciously, conspiratorially, wrongfully, unconstitutionally and unlawfully held invalid as to the Appellant's Mother and Next Friend BEATRICE L. ROBINSON, by District Judge Nicholas Bua, to being this cause of action in behalf of the Appellant herein in a flagrant, blantant, abuse of discretion and a gross misinterpretation of the said Rule 17(c), and a wilful, malicious, conspiratorial, wrongful, unconstitutional and unlawful refusal to apply the provisions thereof to the contrary in appointing a legal representative for the protection of his guaranteed Civil Rights, Civil Liberties, privileges, immunities, etc., in bringing this cause of action in his behalf by authority of Title 42, Sections 1981; 1983; and 1985, United States Code, inasmuch as the Appellant herein is in-

competent to bring this cause of action in his own behalf. He lacks a high school education; a legal education; legal training; legal experience to enable him to do so in his own behalf. See Voight v. Webb, D.C. Wash. 1942. 47 F. Supp. 743 ("...uneducated and almost illiterate...."); Re Ryan (1942, D.C. Pa.) 47 F. Supp. 10 reh. den. (D.C. Pa.) 47 F. Supp. 1023; Griffin v. People of the State of Illinois, Ill. 1956, 76 S. Ct. 585, 351 U.S. 12 100 L. Ed. 891, 55 A.L.R. 2d 1055, rehearing denied 76 S. Ct. 844, 351 U.S. 958. 100 L. Ed. 1480. (Poverty)

The order of the U. S. Court of Appeals For The Seventh Circuit, was entered on October 2, 1981, (and not on September 28, 1981 as dated) and Notice of Appeal was filed in the U. S. District Court For The Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, on or about October 16, 1981. Also, the order of the U. S. District Court For The Northern District of Illinois, Eastern Division dated December 29, 1980, in affirmance. The jurisdiction of this Court is conferred by 28 U.S.C. Sec. 1252. Fleming v. Rhodes,(1947)331 U. S. 100, 91 L. Ed. 1368, 67 S. Ct. 1140.

QUESTIONS PRESENTED

1. Whether the District Court misinterpreted the provisions of Rule 17(c) of Federal Rules of Civil Procedure?

2. Whether the District Court misinterpreted the provisions of 3 Moore's Federal Practice (2d ed., 1948) Paragraph 17.26?

3. Whether the District Court misinterpreted the provisions of Title 28, Section 1361, United States Code Annotated?

4. Whether the U. S. Court of Appeals For The Seventh Circuit misinterpretated, overlooked or misapprehended the provisions of Title 28,

Section 1651, U.S.C.S.?

5. Whether the Plaintiff MONTY E. ROBINSON'S Mother and Next Friend BEATRICE L. ROBINSON has a lawful standing to bring this action on his behalf under Rule 17(c) of Federal Rules of Civil Procedure? 3 Moore's Federal Practice (2d Ed., 1948) Paragraph 17.26? Title 42, Section 1981, United States Code?

6. Whether it is lawful for the U. S. Court of Appeals For The Seventh Circuit to have predicated its wilful, malicious, conspiratorial, unlawful order denying the Plaintiff-Appellant's Petition For Rehearing upon the Plain-Appellant's Mother and Next Friend BEATRICE L. ROBINSON'S saying on September 30, 1981, "I am going to the Greek Rodeo today at the ampitheater." in the private home of Rev. H. Cohill's located at 718 E. 93rd Street, Chicago, Illinois, which was unlawfully intercepted and heard by Defendant-Appellee CHICAGO POLICE DEPARTMENT via electronic eavesdropping device(s) from 720 E. 93rd Street, Chicago, Illinois?

7. Whether the U. S. Court of Appeals For The Seventh Circuit Justices William J. Bauer; Harlington Wood, Jr.;and Richard D. Cudahy are parties to the organized crime, criminal conspiracy against the guaranteed, constitutional Civil Rights; Civil Liberties, privileges, etc., of the Plaintiff-Appellant MONTY E. ROBINSON'S with Defendant-Appellee CHICAGO POLICE DEPARTMENT, et al.?

8. Whether the provisions of Title 28, Section 1361 United States Code Annotated are valid against District Judge Nicholas Bua and should be imposed upon him to compel the performance of his lawful statutory duty to the Plaintiff MONTY E. ROBINSON in this cause of action No. 80 C 6153, by and through his Mother and Next Friend BEATRICE L. ROBINSON?

STATEMENT OF THE CASE

This action was brought in the United States District Court for the Northern District of Illinois, Eastern Division against Appellees RAOUL ARMAND; POLICE OFFICER JANE DOE BROWN; POLICE OFFICER JANE DOE; MARVIN NELSON; THE CHICAGO POLICE DEPARTMENT; JUDGE MATTHEW MORAN; THE CIRCUIT COURT OF

COOK COUNTY, ILLINOIS, BRANCH 5148; CORNELIUS TOOLE; THE PEOPLE OF THE STATE OF ILLINOIS; CITY OF CHICAGO; STATE OF ILLINOIS; NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, by BEATRICE L. ROBINSON, Mother and Next Friend of the Appellant's MONTY E. ROBINSON, pursuant to the provisions of Rule 17(c), Federal Rules of Civil Procedure; Title 42, Sections 1981; 1983; 1985, United States Code; Title 28, Sections 1331; 1343, United States Code; Title 18, Sections 241; 242, United States Code, for the recovery of general monetary liability damages (compensatory, punitive, vindictive, exemplary, and special damages) occasioned by the Appellant herein by reason of the wilful, malicious, conspiratorial, unlawful, unconstitutional, wrongful prison sentence of the Appellant herein to the Statevil e Penitentiary, Joliet, Illinois, on December 7, 1978, for a maximum period of two (2) years, subsequent to the Appellant herein having wilfully, maliciously, conspiratorilly, unlawfully, unconstitutionally and wrongfully, and falsely arrested on November 15, 1978, at 1706 East 75th Street, Chicago, Illinois, on a false, erroneous, malicious, criminal charge of alleged Attempted Burglary, in violation of Chapter 38, Section 38, Section 8, Paragraph 4, Smith-Hurd Illinois Annotated, as amended, by Appellees RAOUL ARMAND and MARVIN NELSON,(co-Defendant), in an entrapment by said Appellees POLICE OFFICERS JANE DOE BROWN; JANE DOE; and said Appellees RAOUL ARMAND and MARVIN NELSON, who committed said Attempted Burglary of said premises known as "Carribean Village" located at 1706 East 75th Street, Chicago, Illinois, themselves, who were not imprisoned therefor in Stateville Penitentiary, Joliet, Illinois, (nor anywhere) for any period of time, except that Appellee MARVIN NELSON, was arrested and taken into custody

by said Appellees POLICE OFFICERS JANE DOE BROWN; JANE DOE, at said address on November 15, 1978, for Attempted Burglary of said premises in violation of Chapter 38, Paragraph 4, Smith-Hurd Illinois Annotated, as amended, by said Appellees POLICE OFFICERS of Appellee CHICAGO POLICE DEPARTMENT, for Appellee CITY OF CHICAGO, in and for Appellee STATE OF ILLINOIS, and released on Bond, whereof the Appellant herein was denied a reasonable Bail Bond for his release from the custody of Cook County Jail Correctional Center, constituting an excessive bail, fine, cruel and unusual punishment of the Appellant herein, and wilfully, malicious, conspiratorially, criminally and spitefully set at $10,000.00, in unlawful detention of the Appellant herein and in serious violation of the Appellant's guaranteed constitutional Civil Rights, Civil Liberties, privileges, immunities, etc., pursuant to the provisions of the Eighth, Thirteenth and Fourteenth Amendments to the Constitution of the United States.

> "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." (Eighth Amendment to the Constitution of the United States)

> "Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."(Thirteenth Amendment to the Constitution of the United States)

> "Section 1. All persons born...in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of...liberty, or property, without due process of law; nor

deny to any person within its jurisdiction the equal protection of the laws." (Fourteenth Amendment to the Constitution of the United States)

That there was no trial held for the Appellant MONTY E. ROBINSON, before or on December 7, 1978, the date of his final conviction by Appellee Judge MATTHEW MORAN, who had no statutory authority, nor jurisdiction over the subject matter to do so, nor to sentence the Appellant herein to Stateville Penitentiary, Joliet, Illinois, for a maximum period of two (2) years for an alleged, supposedly crime of Attempted Burglary of said premises (in violation of Chapter 38, Paragraph 4, Smith-Hurd Illinois Annotated) in serious violation of the Appellant's guaranteed constitutional Civil Rights, Civil Liberties, privileges, immunities, etc., pursuant to the provisions of the Fifth and Sixth Amendments to the Constitution of the United; and pursuant to the provisions of Article 1, Section 7, of the Constitution of Illinois, etc., and with nothing offered in

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty...without due process of law...."(Fifth Amendment to the Constitution of the United States)

"In all criminal prosecutions, the accused shall enjoy the right to a speedy trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."(Sixth Amendment to the Constitution of the United States)

evidence, in proof of that purported, false, criminal charge against the Appellant herein without any testimony of witnesses implied, verbal or written in documentation against the Appellant herein of having committed that said criminal offense in question at the said address or premises nor at any other address premises on or before November 15, 1978, and which was not proven in open court by the Attorney(s) for Appellees RAOUL ARMAND; MARVIN NELSON, et al., being Appellees CORNELIUS TOOLE, et al., and without probable cause.

That the Appellant MONTY E. ROBINSON, was not represented in good faith by Appellee CORNELIUS TOOLE, personal friend and Attorney for Appellee MARVIN NELSON, at the wilful, malicious, conspiratorial, wrongful, unconstitutional and unlawful sentencing of the Appellant herein to Stateville Penitentiary, Joliet, Illinois, for a maximum period of two (2) years on a presumption of guilt of having committed an Attempted Burglary of said premises known as "Carribean Village" located at 1706 East 75th Street, Chicago, Illinois, on November 15, 1978, without probable cause, in serious violation of the Appellant's guaranteed constitutional Civil Rights, Civil Liberties, privileges, immunities, etc., protected by the provisions of the First, Fifth, Sixth, Eighth, Ninth, Thirteenth and Fourteenth Amendments to the Constitution of the United States,

> "Congress shall make no law...abridging the freedom of speech...." (First Amendment to the Constitution of the United States)
>
> "No person shall be held to answer for a capital, or otherwise infamous crime, unlass on a presentment or indictment of a Grand Jury...nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty...without due process of law...."(Fifth Amendment to

the Constitution of the United States)

"In all criminal prosecutions, the accused shall enjoy the right to a speedy trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." (Sixth Amendment to the Constitution of the United States)

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."(Eighth Amendment to the Constitution of the United States)

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the People." (Ninth Amendment to the Constitution of the United States)

" Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." (Thirteenth Amendment to the Constitution of the United States)

"Section 1. All persons born...in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of...liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of thelaws." (Fourteenth Amendment to the Constitution of the United States)

by Appellee Judge MATTHEW MORAN, Circuit Court of Cook County, Illihois, Branch 5148, without the finding of a verdict of guilty plea, or probable cause, against the Appellant herein MONTY E. ROBINSON, of having committed that alleged, false,

crime of Attempted Burglary, against the peace and dignity of the proper people of the State of Illinois, applicable and pertinent laws and constitutional provisions thereof, and of the applicable and pertinent laws and constitutional provisions thereof, and of the applicable and pertinent laws and constitutional provisions of the United States and humanity under God, (Pierson v. Ray, C.A. Miss. 1965, 352 F. 2d 213)

> "False Imprisonment - If judicial officer acts in clear absence of all jurisdiction and authority, he incurs liability for false imprisonment."

under color of Appellee STATE OF ILLINOIS law contained herein, in State action against the person, properties, Civil Rights, Civil Liberties, privileges, etc., of the Appellant's MONTY E. ROBINSON, because of his race, color, poverty, ill health and religion, in an organized crime criminal conspiracy by Appellees PEOPLE OF THE STATE OF ILLINOIS; CHICAGO POLICE; CITY OF CHICAGO, et al., which deny the Appellant herein justice, due process and equal protection of laws and ordinances of said Appellees under color of State law in State action. (Selico v. Jackson, D.C. Cal. 1962, 201 F. Supp. 475)

> "False Imprisonment - City police officers who originally were assigned through and acting under orders of patrol division when they allegedly unlawfully arrested, detained, confined, and beat plaintiffs were acting 'under color of State law' within Federal Statute governing civil actions for deprivation of rights."(42 U.S.C.A. Section 1983)

That the Appellant MONTY E. ROBINSON, was willfully, maliciously, conspiratorially, and criminally coerced, and induced by Appellees JANE DOE BROWN; JANE DOE; and CORNELIUS TOOLE, et al., to plead "guilty", beaten, and caused him

to be beaten while incarcerated in Cook County Jail Correctional Center from November 15, 1978 to December 7, 1978, prior to being sentenced to Stateville Penitentiary, Joliet, Illinois, for a maximum period of two (2) years on an alleged, false charge of Attempted Burglary, and threatened by said Appellees that false criminal charge, he, the Appellant MONTY E. ROBINSON, would be sentenced to the "Penitentiary for two (2) to three (3) years" instead of "eleven (11) months in the County Jail"; wilfully, maliciously, unconstitutionally, unlawfully, wrongfully and criminally misleading and deceiving the Appellant herein perpetrating and constituting a 'farce and mockery of justice', (Cooks v. United States, 461 F. 2d 530; Busby v. Holman, 5 Cir., 1966, 356 F. 2d 75, 79; Williams v. Beto, 5 Cir., 1965. 354 F. 2d 698, 704; Bell v. Alabama, 5 Cir., 1966, 367 F. 2d 243, 247) which false alleged crime Appellee MARVIN NELSON, although arrested with the Appellant herein for having committed said alleged crime of Attempted Burglary, who was never tried nor convicted and sentenced to jail or to Stateville Penitentiary, Joliet, Illinois, therefor, neither with the Appellant herein MONTY E. ROBINSON, on December 7, 1978, nor thereafter to date, denying the Appellant herein MONTY E. ROBINSON, equal protection of the laws of the State of Illinois, and of the United states, under color of said laws in State action, in serious violation of the Appellant's guaranteed constitutional Civil Rights, Civil Liberties, Privileges, immunities, etc., protected by the Fifth, Ninth, Thirteenth and Fourteenth Amendments to the Constitution of the United States, by Appellees CORNELIUS TOOLE for Appellee NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; Judge MATTHEW MORAN, of Appellee

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, BRANCH 5148, for Appellee STATE OF ILLINOIS, in State action, under color of its laws and ordinances by its Assistant States Attorneys, et al.,

> "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty...without due process of law...."(Fifth Amendmend to the Constitution of the United States)
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> "The enumeration in the Constitution, of certain rights, shall not be construed to deny to disparage others retained by the People." (Ninth Amendment to the Constitution of the United States)
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> "Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."(Thirteenth Amendment to the Constitution of the United States)
>
> "Section 1. All persons born...in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of...liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (Fourteenth Amendment to the Constitution of the United States)

which are sought to be redressed by the Appellant herein pursuant to the provisions and authority of Title 42, Sections 1981; 1983, and 1985(2), United States Code.

> "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and

> property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other." (Title 42, Section 1981, United States Code)
>
> "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." (Title 42, Section 1983, United States Code)
>
> "...if two or more persons conspire for the purpose of impeding, hindering, or defeating, in any manner the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws."(Title 42, Section 1985(2), United States Code)

A Petition For Writ Of Mandamus in this cause of action was filed on February 27, 1981, with the Chief Judge JAMES B. PARSONS, of the U. S. District Court For The Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, by the Appellant's Mother and Next Friend BEATRICE L. ROBINSON, which was wilfully, maliciously, conspiratorially, wrongfully, unconstitutionally, and unlawfully denied by the Clerk of the said court H. STUART CUNNINGHAM, in serious violation of the provisions of Title 28, Section 1361, United States Code Service, to-wit: "The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." which was affirmed by the U. S. Court of Appeals

For The Seventh Circuit, 219 South Dearborn Street, Chicago, Illinois, in serious violation of Title 28, Section 1651, United States Code Service, to-wit: "(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

"(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction." Frankel v. Woodrough, 7 F2d 796.

Courts of appeal have no original jurisdiction, except such as is necessary to aid, protect, or enforce their Appellate jurisdiction. United States v. Hall, 145 F2d 781.

FEDERAL QUESTIONS ARE SUBSTANTIAL

The questions presented herein require plenary consideration by this Court to substantiate the Appellant MONTY E. ROBINSON'S Mother and Next Friend BEATRICE L. ROBINSON'S lawful right to bring this cause of action in behalf of said Appellant for the protection and redress of the Appellant's said guaranteed constitutional Civil Rights, Civil Liberties, privileges, immunities, etc., wilfully, maliciously, conspiratorially, unconstitutionally, wrongfully, and unlawfully violated by said Appellees to this cause of action.

CONCLUSION

The Appellant submits that this Appeal brings before the court substantial federal questions which require plenary consideration, with a Brief on the merits and oral argument, for their resolution.

Respectfully submitted,

Beatrice L. Robinson

P. O. Box 87414
Chicago, Illinois 60680

(Appendices)

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable BUA

Cause No. 80 C 613 Date December 29, 1980

Title of Cause ROBINSON v. ARMAND

Brief Statement of Motion MOTION TO DISMISS

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel
STANLEY GARBER, Corporation Counsel
BY: THOMAS G. MORRISSEY, Assistant
Room 511, City Hall
121 North LaSalle Street
Chicago, Illinois 60602
744-6472

Representing
Attorney for defendants.

Names and Addresses of other counsel entitled to notice and names of parties they represent.
Beatrice L. Robinson
P.O. Box 87414
Chicago, Illinois 60680

Attorney for plaintiff.

DEC 30 1980

Reserve space below for notations by minute clerk

On court's own motion, cause is hereby ordered dismissed.
Court finds that Beatrice L. Robinson lacks standing to bring this action on behalf of Monty E. Robinson.

Hand this memorandum to the Clerk. APPENDIX "A" 17
Counsel will not rise to address the Court until motion has been called

10/6/81 P.M.

ON SEPTEMBER 30, 1981, BEATRICE L. ROBINSON, THE PLAINTIFF-APPELLANT'S MOTHER AND NEXT FRIEND SAID, "I AM GOING TO THE GREEK RODEO TODAY AT THE ARMY THEATER." IN THE PRIVATE HOME OF REV. H. CONILL'S, WHICH WAS INTERCEPTED AND HEARD BY CHICAGO POLICE VIA ELECTRONIC EAVESDROPPING DEVICES, FROM 720 E. 93RD STREET, CHICAGO, ILLINOIS, LOCATED AT 718 E. 93RD STREET, CHICAGO, ILLINOIS)

United States Court of Appeals

For the Seventh Circuit 11

Chicago, Illinois 60604

[WRONG DATE]

~~September 28~~ October 2, 19 81

Before

Hon. WILLIAM J. BAUER, Circuit Judge

Hon. HARLINGTON WOOD, JR., Circuit Judge

Hon. RICHARD D. CUDAHY, Circuit Judge

BY THE OCCUPANTS FOR THE CHICAGO POLICE ILL. BELL TEL. CO.; & BD. COMMR. NICHOLAS COMMISSION ET AL.

MONTY E. ROBINSON, by his mother and next fried, Beatrice L. Robinson,
Plaintiff-Appellant,

No. 81-1539 vs.

RACUL ARMAND, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northe District of Illinois, Eastern Division.
No. 80-C-6153
Judge Hubert L. Will

GREEK JUDGE NICHOLAS BOA DISM 80C6153 ON DECEMBER 27, 1980.

On consideration of the "PETITION FOR REHEARING" filed herein on August 25, 1981, by pro se plaintiff-appellant, all of the judges of the original panel having voted to deny the same,

IT IS ORDERED that the aforesaid petition for rehearing be, and the same is hereby, DENIED.

8/11/81 BLR

PETITION FOR REHEARING UNDER RULE 40 of APPELLATE PROCEDURE, DUE WITHIN 14 AFTER ENTRY of JUDGMENT. 14 ENDS ON 8/25/81. BLR

United States Court of Appeals

IF THE PETITION SHOULD STATE WITH PARTICULARITY THE POINTS OF LAW OR FACT WHICH IN THE OPINION OF THE PETITIONER THE COURT HAS OVERLOOKED OR MISAPPREHENDED AND SHALL CONTAIN SUCH ARGUMENT IN SUPPORT OF THE PETITIONER AS THE PETITIONER DESIRES TO PRESENT.

For the Seventh Circuit
Chicago, Illinois 60604

August 11, 19 81

Before

Hon. WILLIAM J. BAUER, Circuit Judge

Hon. HARLINGTON WOOD, JR., Circuit Judge

Hon. RICHARD D. CUDAHY, Circuit Judge

MONTY E. ROBINSON, by his mother and next friend, Beatrice L. Robinson,
Plaintiff-Appellant,

No. 81-1539 **vs.**

RAOUL ARMAND, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 80-C-6153
Judge Hubert L. Will

This matter comes before the court for its consideration upon the following documents:

1. The "MOTION TO DISMISS APPEAL" filed herein on July 17, 1981, by counsel for the defendant-appellee, City of Chicago.

2. The "MOTION TO JOIN IN STATE DEFENDANTS' MOTION TO DISMISS APPEAL" filed herein on July 28, 1981, by counsel for the defendant-appellee, Honorable Mathew Moran.

On consideration thereof,

IT IS ORDERED that the motion to dismiss is hereby GRANTED and this appeal is hereby DISMISSED. Two district court orders could have triggered the running of the period for filing a notice of appeal under Fed.R.App.P. 4(a): the order dismissing for lack of standing (December 29, 1980), the denial of her January 29, 1981 motion to vacate (February 4, 1981). Instead of filing her notice, appellant submitted to the chief judge of the district court, a petition for a writ of mandamus to compel the district judge to reinstate her case. The district court administrator returned her petition and copy, noting in a dated March 13, 1981,

> "There are no provisions under the federal statutes to have the judges of this Court act in a petition for mandamus proceeding against a judge who is also a member of this Court. Reviews of orders of the judges of this Court are generally heard on appeal by the United States Court of Appeals, 7th Circuit."

On March 31, 1981, she filed her notice of appeal, referring only to this March 13, 1981, letter from the court administrator.

We find that with respect to the district court's two orders, her notice is untimely. With respect to her challenge of the March 13, 1981, letter, there was no judicial action for her to appeal. Moreover, the court administrator's letter is correct: appellant's remedy was to appeal, not to seek mandamus; mandamus against a district judge does not lie in the district court. Fed.R. App.P. 21.

For these reasons, we grant the motion and her appeal is DISMISSED.

* TITLE 28, SEC. 136 HELD INVALID BY U.S. COURT OF APPEALS FOR THE 7TH CIRCUIT. BLR